IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6597 OF 2005

Sidram Prabhu Chitte .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.V.V.Purwant for applicant

Mr.P.S.Hingorani, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 8th November 2005.

(Vacation Judge)

P.C.

. Heard Mr.Purwant for applicant and A.P.P. for State. Applicant by this application seeks

modification of the order dated 27th June 2005 passed in Criminal Application No.3576 of 2005 and more particularly relaxation of Condition No.III, set out in para 9 of the said order. I have perused the order passed by this Court on 27th June 2005. Learned Judge (A.S.Oka, J) after considering all materials had granted anticipatory bail to the applicant. Condition No.(iii) of the said order mandates that applicant should deposit his passport with the Investigating Officer. It is not in dispute that the applicant has deposited his passport with I.O.

2. On earlier occasion Criminal Application No.5075 of 2005 was moved and the learned Single Judge (A.S.Oka, J) permitted the applicant to go abroad on the condition that the applicant files an affidavit cum undertaking setting out purpose for which he desires to go abroad. All details were to be set out in the said affidavit cum

undertaking. Said affidavit cum undertaking was to contain a undertaking that upon return from abroad applicant shall surrender his passport to I.O. In addition to the above, the learned Judge in his order dated 22nd August 2005 has imposed further conditions.

3. In the present application applicant seeks fresh relaxation of the aforesaid condition and the reason for the same is set out in para 8.

4. Having heard parties and perused earlier orders, in my view, interest of justice would be served if the present applicantion is also disposed of with identical conditions as are imposed by this Court in the order dated 22nd August 2005. Accordingly, following order:-

i) The Investigating Officer will return the passport to the applicant. The applicant is permitted to go abroad

to attend buyer seller meet scheduled on 28th November 2005 to 2nd December 2005 subject to condition that he will return back to India on or before 5th December 2005.

ii) The applicant will be permitted to leave India only after he furnishes a copy of detailed programme of his travel to the Investigating Officer and the address and contact numbers of the places where the applicant proposes to stay while he is abroad;

iii) The applicant will also furnish his cell phone number to the Investigating officer before he leaves India;

iv) The undertaking incorporating the aforesaid be filed within a period of one

week from today by the applicant. On his return to India the applicant will surrender his passport to the investigating officer within a period of two days from the date of his return.

v) It is made clear that condition No.(iii) incorporated in the order dated 27th June 2005 is relaxed only for the period of ensuing visit of the applicant. After the applicant returns back to India, condition No.(iii) will continue to operate.

(S.C.DHARMADHIKARI, J)